



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

Josh Kaul
Attorney General

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

S. Michael Murphy
Assistant Attorney General
murphysm@doj.state.wi.us
608/266-5457
FAX 608/294-2907

October 19, 2022

Via email (frank.lococo@huschblackwell.com)

Frank LoCoco
Husch Blackwell LLP
511 North Broadway, Suite 1100
Milwaukee, WI 53202

Re: Wisconsin Department of Justice
Clergy and Faith Leader Abuse Initiative

Dear Attorney LoCoco:

As you are aware, our office has established a confidential reporting system for survivors of sexual abuse. In connection with that initiative, we have received reports of sexual abuse by individuals affiliated with the Archdiocese of Milwaukee.

We have reviewed the information reported to us and conducted additional independent investigation. As a result, we have preliminarily concluded that there is credible evidence of sexual abuse by certain individuals affiliated with the Archdiocese of Milwaukee who do not appear on the list maintained by the archdiocese of individuals with a substantiated allegation of sexual abuse.

To assist our review, we respectfully request that the archdiocese produce all information and/or documents related to complaints of sexual misconduct against the following individuals:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

We have not limited our request to priests, individuals who are not deceased, or individuals against whom a crime is within the statute of limitations. As Article 1 of the Charter indicates: “Each diocese/eparchy is to continue its outreach to every person who has been the victim of sexual abuse as a minor *by anyone in church service*, whether the abuse was recent *or occurred many years in the past*.” Additionally, “[t]he charter addresses the Church’s commitment to deal appropriately and effectively with cases of sexual abuse of minors by priests, deacons, *and other church personnel (i.e., employees and volunteers)*.” The Essential Norms state that “[t]he bishops of the United States have promised to reach out to those who have been sexually abused as minors by anyone serving the Church in *ministry, employment, or a volunteer position, whether the sexual abuse was recent or occurred many years ago*.” The Essential Norms also require that “[E]ach diocese/eparchy will have a written policy on the sexual abuse of minors by priests and deacons, *as well as by other church personnel*.” The emphasis in the excerpts above, of course, was added to highlight some of the language we deem relevant in these documents.

Given the requirements of the Charter and Essential Norms, the archdiocese’s professed commitment to investigating abuse, and the importance to survivors of the church acknowledging substantiated allegations of abuse, we trust that the archdiocese will work cooperatively with our office to follow up on the allegations against the individuals noted above.

In the archdiocese’s response, please include any documents that demonstrate the archdiocese’s assessment or response to the complaints. If necessary, the archdiocese may redact information necessary to honor confidentiality assurances previously made by the archdiocese.

For purposes of our request, “sexual misconduct” includes any alleged conduct which, if true, would be a crime under Wisconsin law, but also includes other allegations of inappropriate conduct of a sexual nature regardless of how it was characterized, including without limitation “boundary violations,” “boundary issues,” “inappropriate horseplay,” “wrestling,” “inappropriate touching,” “conversations of a sexual nature,” “voyeurism” and/or any other terms used to describe conduct of a sexual nature.

When producing documents, please do so electronically, in native format whenever possible. If only paper documents exist, please scan and save each document individually before producing them; do not scan documents in a group. If you choose, a folder and ShareFile user account will be created so that you can deliver the data securely and electronically. You may email me the name and email address

Frank LoCoco
October 19, 2022
Page 3

of the individual who will be responsible for uploading the data and I will arrange ShareFile access.

Lastly, please note that that we have received allegations about sexual abuse committed by individuals affiliated with the archdiocese other than the individuals specified in this letter. Our review of those allegations continues.

If you have any questions, please contact me at (608) 266-5457 or murphysm@doj.state.wi.us. Thank you in advance for your assistance in this important matter.

Sincerely,

A handwritten signature in black ink that reads "S. Mike Murphy". The signature is written in a cursive, slightly informal style.

S. Michael Murphy
Assistant Attorney General

HUSCH BLACKWELL

Frank LoCoco
Partner

511 North Broadway, Suite 1100
Milwaukee, WI 53202
Direct: 414.978.5305
Fax: 414.223.5000
frank.lococo@huschblackwell.com

November 17, 2022

VIA E-MAIL ATTACHMENT AND U.S. MAIL

Honorable Joshua L. Kaul
Attorney General for the State of Wisconsin
c/o S. Michael Murphy
Assistant Attorney General
State of Wisconsin Department of Justice
Room 114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857

Re: *Clergy and Faith Leader Abuse*

Dear Mr. Murphy:

We are writing in response to your letter of October 19, 2022. Thank you for your patience in awaiting our response. I was out of the office recuperating from a left knee replacement on October 11, 2022, so it took me a little time to catch up.

First, we need to reiterate (and incorporate by reference) the factual and legal discussion contained in our letter of June 1, 2021. We specifically made the following point on pages 1-2 of that letter:

If you were to receive the name of an alleged perpetrator from the ranks of the AOM's living diocesan priests, then that information should of course be forwarded immediately to the District Attorney for the county in which the abuse allegedly occurred. Moreover, if you provide that information to us, on behalf of the AOM, the AOM will promptly provide access to any available information to your office and to the applicable District Attorney so that the applicable District Attorney can undertake a thorough criminal investigation and make an informed charging decision.

Since we made this point almost 18 months ago, we have yet to receive information from you regarding any allegation being made against a single living priest of the Archdiocese of Milwaukee.

HB: 4890-0565-8431.3

Honorable Joshua L. Kaul
Attorney General
State of Wisconsin
November 17, 2022
Page 2

In addition, we reiterated our willingness to cooperate earlier this year when Nate's Mission allegedly provided to you archdiocesan documents that were improperly taken by an alleged "whistleblower." The leadership of Nate's Mission made unsubstantiated claims that those documents provided evidence that there were archdiocesan priests with substantiated allegations of sexual abuse of a minor still in ministry in the archdiocese. Considering these (mis)representations, we asked you to provide us with any substantiating information so we could remain vigilant to our commitment to public safety. If the claims made by Nate's Missions leadership over nine months ago had any credibility, we are confident that you would have contacted us by now.

Instead, you have provided us with a list of 11 people whom you allege have had "complaints of sexual misconduct" made against them during your "investigation."¹ We have been able to determine that none of these people are living priests of the Archdiocese of Milwaukee, let alone living priests who remain in ministry. Two are women religious. Therefore, the position we stated in our June 1, 2021 letter still applies. There is no legal basis for the Department of Justice to investigate claims made against priests who are deceased. As for Mr. [REDACTED], he is not a priest of the archdiocese. Moreover, [REDACTED]

Last, you raise the Dallas Charter in your letter. We remain fully committed and in full compliance with the Dallas Charter, including this response to your letter.

We are happy to discuss this further if you think it appropriate.

Sincerely yours,



Francis H. LoCoco

FHL/js
Enclosures

cc: His Excellency, the Most Reverend Jerome E. Listecki,
Archbishop of Milwaukee

¹ "Investigation" is in quotes because recently Attorney General Kaul told the media that he never called this DOJ project an "investigation," but rather a "review."

Honorable Joshua L. Kaul
Attorney General
State of Wisconsin
November 17, 2022
Page 3

His Excellency, the Most Reverend Donald J. Hying,
Bishop of Madison²
His Excellency, the Most Reverend David L. Ricken,
Bishop of Green Bay
His Excellency, the Most Reverend William P. Callahan,
Bishop of LaCrosse
His Excellency, the Most Reverend James P. Powers,
Bishop of Superior
Dr. Barbara Anne Cusack,
Chancellor, AOM
Mr. Jerry T. Topczewski
Chief of Staff, AOM

² As Metropolitan for the state, Archbishop ListECKi has directed me to provide a copy as a courtesy to the four other bishops in Wisconsin.